

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BURNELL LAFRANCE

CASE NO. 6:22-CV-01314

VERSUS

JUDGE ROBERT R. SUMMERHAYS

ST. MARTIN TRUCK STOP & CASINO

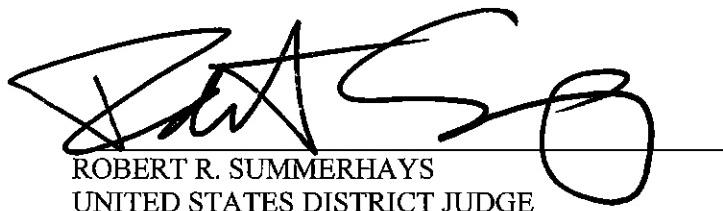
MAGISTRATE JUDGE WHITEHURST

ORDER

Before the Court is Magistrate Judge Whitehurst's Report and Recommendation recommending dismissal for lack of subject matter jurisdiction. After an independent review of the record, and after consideration of objections filed, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. The Court additionally finds that to the extent Plaintiff is attempting to assert a claim of discrimination premised upon federal question jurisdiction, he has failed to show he has exhausted his administrative remedies and received a statutory notice of right to sue.¹ Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that, consistent with the report and recommendation, Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction.

Signed at Lafayette, Louisiana, this 1st day of August, 2023.



ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE

¹ See e.g. *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378-79 (5th Cir. 2002) ("Employment discrimination plaintiffs must exhaust administrative remedies before pursuing claims in federal court. Exhaustion occurs when the plaintiff files a timely charge with the EEOC and receives a statutory notice of right to sue."); *Dao v. Auchan Hypermarket*, 96 F.3d 787, 789 (5th Cir. 1996) (the filing of an EEOC charge is a precondition to filing suit in district court).